

Prosecution File History for U.S. Patent Number 5,709,603

Tab.	Document	Date
1.	PTO Inventory Sheets	
2.	U.S. Patent Application, Statement Claiming Small Entity Status, Declaration and Power of Attorney, and Figures	10/25/96
3.	Notice of Change of Address	12/31/96
4.	Information Disclosure Statement	01/14/97
5.	PTO Rejection Notice (Claims 5-16 and 14-17)	03/05/97
6.	Amendment (Claims 5, 14, and 17)	06/03/97
7.	Notice of Allowability	08/15/97
8.	Formal Drawings	09/19/97
9.	Notice of Change of Address	02/09/98
10.	PTO Utility Grant	01/20/98

IN001265

The
United
States
of
America



PTO UTILITY GRANT

Paper Number 8

The Commissioner of Patents
and Trademarks

Has received an application for a patent for a new and useful invention. The title and description of the invention are enclosed. The requirements of law have been complied with, and it has been determined that a patent on the invention shall be granted under the law.

Therefore, this

United States Patent

Grants to the person(s) having title to this patent the right to exclude others from making, using, offering for sale, or selling the invention throughout the United States of America or importing the invention into the United States of America for the term set forth below, subject to the payment of maintenance fees as provided by law.

If this application was filed prior to June 8, 1995, the term of this patent is the longer of seventeen years from the date of grant of this patent or twenty years from the earliest effective U.S. filing date of the application, subject to any statutory extension.

If this application was filed on or after June 8, 1995, the term of this patent is twenty years from the U.S. filing date, subject to an statutory extension. If the application contains a specific reference to an earlier filed application or applications under 35 U.S.C. 120, 121 or 365(c), the term of the patent is twenty years from the date on which the earliest application was filed, subject to any statutory extension.

Bruce Lehman
Commissioner of Patents and Trademarks

Attest: *Mary J. Green*

Form PTO-1804 (June 8, 97)

(RIGHT INSIDE)

FM-104

IN001266

PATENT APPLICATION FEE DETERMINATION RECORD				Application or Docket Number					
Effective October 1, 1998				08/438,317					
CLAIMS AS FILED - PART I									
(Column 1)		(Column 2)		SMALL ENTITY		OR OTHER THAN SMALL ENTITY			
FOR	NUMBER FILED	NUMBER EXTRA	RATE	FEE	RATE	FEE			
BASIC FEE				385.00		770.00			
TOTAL CLAIMS	17 minus 20 =		x\$11=		x\$22=				
INDEPENDENT CLAIMS	6 minus 3 =	3	x40=	120	x80=				
MULTIPLE DEPENDENT CLAIM PRESENT			+130=		+260=				
			TOTAL	505	TOTAL				
* If the difference in column 1 is less than zero, enter "0" in column 2									
CLAIMS AS AMENDED - PART II									
(Column 1)		(Column 2)		(Column 3)		SMALL ENTITY		OR OTHER THAN SMALL ENTITY	
AMENDMENT A	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDITIONAL FEE	RATE	ADDITIONAL FEE		
1000	Minus	**	=	x\$11=		x\$22=			
Independent	Minus	***	=	x40=		x80=			
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM				+130=		+260=			
				TOTAL ADDIT. FEE		TOTAL ADDIT. FEE			
(Column 1)		(Column 2)		(Column 3)		SMALL ENTITY		OR OTHER THAN SMALL ENTITY	
AMENDMENT B	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDITIONAL FEE	RATE	ADDITIONAL FEE		
1000	Minus	**	=	x\$11=		x\$22=			
Independent	Minus	***	=	x40=		x80=			
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM				+130=		+260=			
				TOTAL ADDIT. FEE		TOTAL ADDIT. FEE			
(Column 1)		(Column 2)		(Column 3)		SMALL ENTITY		OR OTHER THAN SMALL ENTITY	
AMENDMENT C	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDITIONAL FEE	RATE	ADDITIONAL FEE		
1000	Minus	**	=	x\$11=		x\$22=			
Independent	Minus	***	=	x40=		x80=			
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM				+130=		+260=			
				TOTAL ADDIT. FEE		TOTAL ADDIT. FEE			

IN001267

15-7-9-11-14

Form PTO 1120 (REV 2/94)

PAGE DATA ENTRY CODING SHEET

U.S. DEPARTMENT OF COMMERCE
Patent and Trademark Office

1ST EXAMINER 49 DATE 12-28-96

2ND EXAMINER DATE

APPLICATION NUMBER 08/738317

TYPE APPL 1

FILING DATE MONTH 10 DAY 25 YEAR 96

SPECIAL HANDLING 0

GROUP ART UNIT 3304

CLASS 273

SHEETS OF DRAWING 16

TOTAL CLAIMS 17

INDEPENDENT CLAIMS 6

SMALL ENTITY? 1

FOREIGN FEE 505

FOREIGN LICENSE 4

ATTORNEY DOCKET NUMBER KAYE 24-9114

CONTINUITY DATA

CONT STATUS CODE	PARENT APPLICATION SERIAL NUMBER	PCT APPLICATION SERIAL NUMBER			PARENT PATENT NUMBER	PARENT FILING DATE		
		P	C	T		MONTH	DAY	YEAR
03	08/41821	1	1	1	55169482	04	06	95

PCT/FOREIGN APPLICATION DATA

FOREIGN PRIORITY CLAIMED	COUNTRY CODE	PCT/FOREIGN APPLICATION SERIAL NUMBER			FOREIGN FILING DATE		
		MONTH	DAY	YEAR	MONTH	DAY	YEAR

IN001268



US005709603A

United States Patent [19][11] Patent Number: **5,709,603**

Kaye

[45] Date of Patent: **Jan. 20, 1998**[54] **PERSONAL COMPUTER LOTTERY GAME**[76] Inventor: **Perry Kaye, 12696 Northwest 11th Ct., Sunrise, Fla. 33323**[21] Appl. No.: **738,317**[22] Filed: **Oct. 25, 1996****Related U.S. Application Data**

[63] Continuation-in-part of Ser. No. 418,011, Apr. 6, 1995, Pat. No. 5,569,082.

[51] Int. Cl.⁶ **A63F 1/00; A63B 71/00**[52] U.S. Cl. **463/17; 463/10; 463/42; 273/138.2**[58] Field of Search **463/1, 16-19, 463/30-31, 9, 40-42, 10-13; 273/139, 138.1, 138.2; 364/410.1, 411.1, 412.1**[56] **References Cited****U.S. PATENT DOCUMENTS**

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FOREIGN PATENT DOCUMENTS

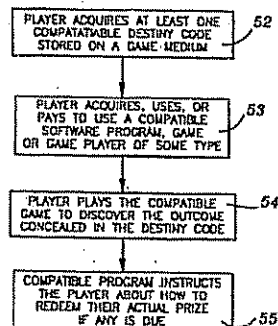
WO 91/06931 5/1991 WIPO 17/32
 WO 94/03873 2/1994 WIPO

Primary Examiner—Jessica Harrison
 Assistant Examiner—Mark A. Sager
 Attorney Agent, or Firm—Marla Korn

[57] **ABSTRACT**

A method and system for playing a lottery type game includes a gaming piece which includes a predetermined code having data indicating whether the player wins or loses the game, the data being unrecognizable to the player, such that the player does not know the outcome of the game prior to play of the game. The code is stored on the gaming piece in a memory device. The gaming piece is reusable with different codes. The code is read by a processor. The processor presents an amusement game on a display for play by the player, and the player controls game play by inputting game parameters to the processor. The processor controls the outcome of the amusement game played by the player based upon the code. A display provides an indication to the player of a game win or a game loss based upon the code.

17 Claims, 16 Drawing Sheets



IN001269



119,158-1001

THE UNITED STATES PATENT AND TRADEMARK OFFICE

U.S. Patent No. 5,709,603

Inventor:

Perry Knye

Issued:

January 20, 1998

Title:

PERSONAL COMPUTER LOTTERY GAME:

DSD
RECEIVED
1998 FEB 17 AM 8:53
DSD/PTCS

Assistant Commissioner
for Patents
Washington, D.C. 20231

Dear Sir:

CHANGE OF ADDRESS

Effective immediately, kindly direct all papers pertaining to the above-captioned patent to the following address:

Martin Korn, Esq.
LOCKE PURNELL RAIN HARRELL
2200 Ross Avenue, Suite 2200
Dallas, TX 75201-6776

and all telephone calls should be directed to Martin Korn at 214/740-8549.

Respectfully submitted,

LOCKE PURNELL RAIN HARRELL P.C.
Attorneys for Applicant

Martin Korn
Registration No. 28,317

MK/jbh

Date: February 4, 1998

Handwritten signature/initials

117158-1001

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Perry Kaye
Serial No.: 08/738,317
Filed: October 25, 1996
Notice of Allowance Mailed: August 15, 1997
Issue Batch No.: Q47
Group: 3304
Examiner: S. Perry
For: PERSONAL COMPUTER LOTTERY GAME

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UNITED STATES PATENT AND TRADEMARK OFFICE
PUBLISHING DIVISION

Assistant Commissioner
for Patents
Washington, D.C. 20231

ATTENTION: OFFICE OF PUBLICATIONS

Dear Sir:

TRANSMITTAL OF FORMAL DRAWINGS

Transmitted herewith are sixteen (16) sheets of formal drawings to be substituted for the informal drawings initially filed in the above-identified application for patent.

Respectfully submitted,

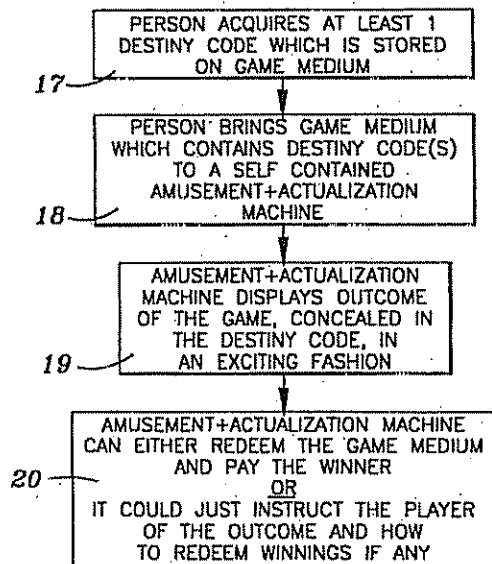
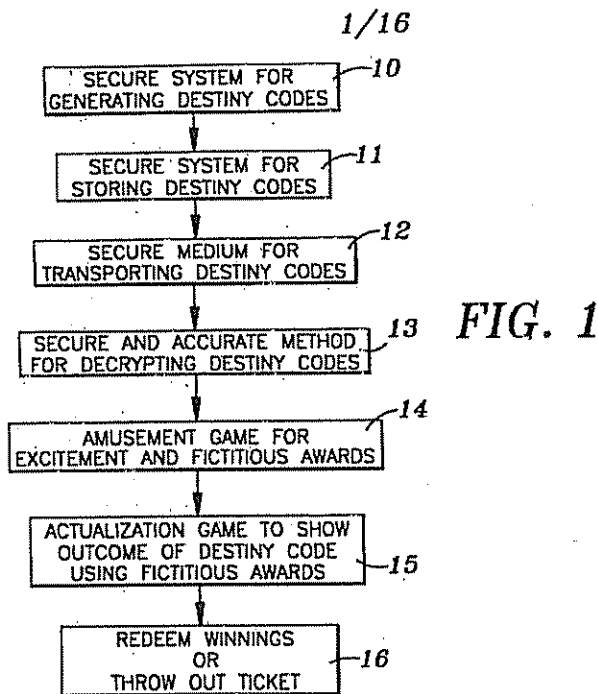
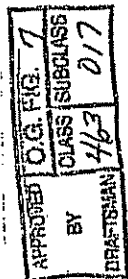
GARDERE & WYNNE, L.L.P.
Attorneys for Applicant

Handwritten signature: Martin Korn

Martin Korn
Registration No. 28,317

MK/jbh
Enclosures
1601 ELM Street, Suite 3000
Dallas, TX 75201-4761
214/999-4664; 214/999-4667 (Fax)
September 18, 1997

IN001271



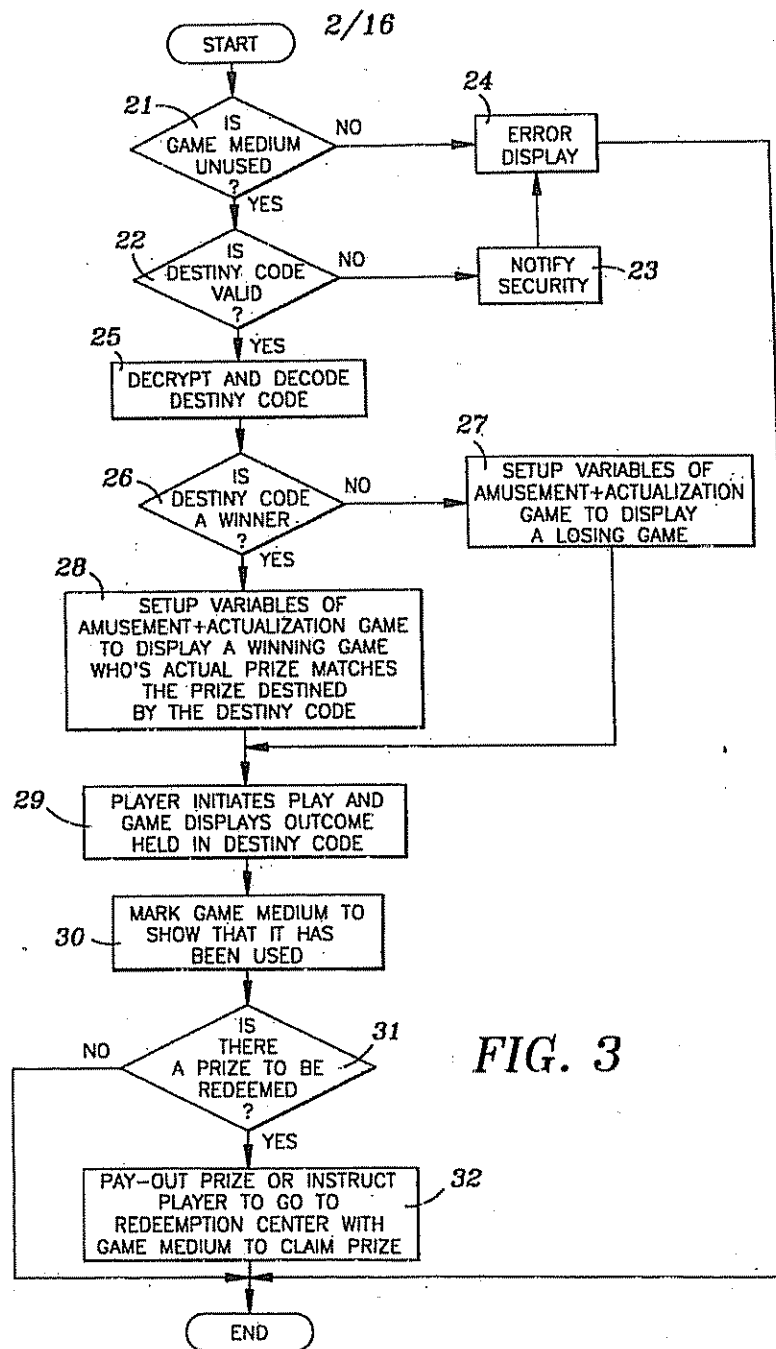
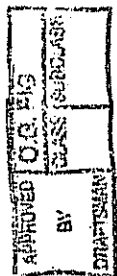
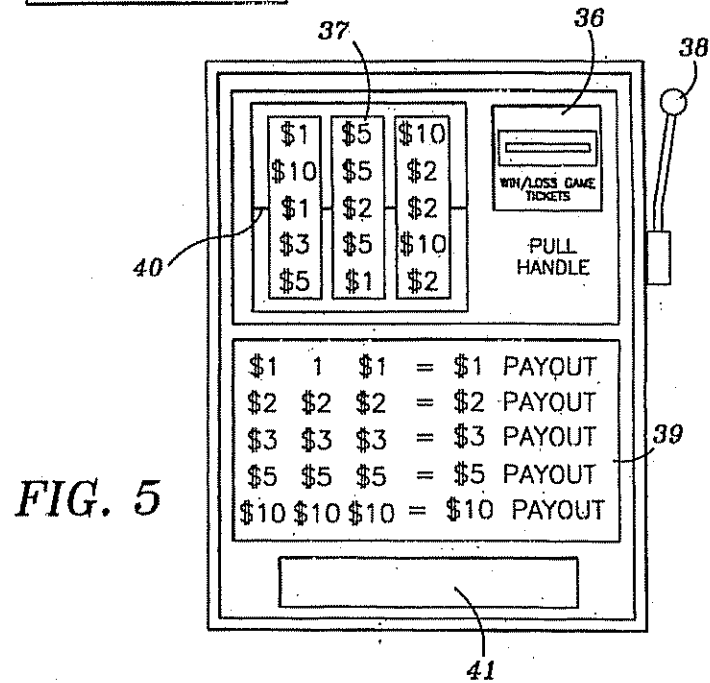
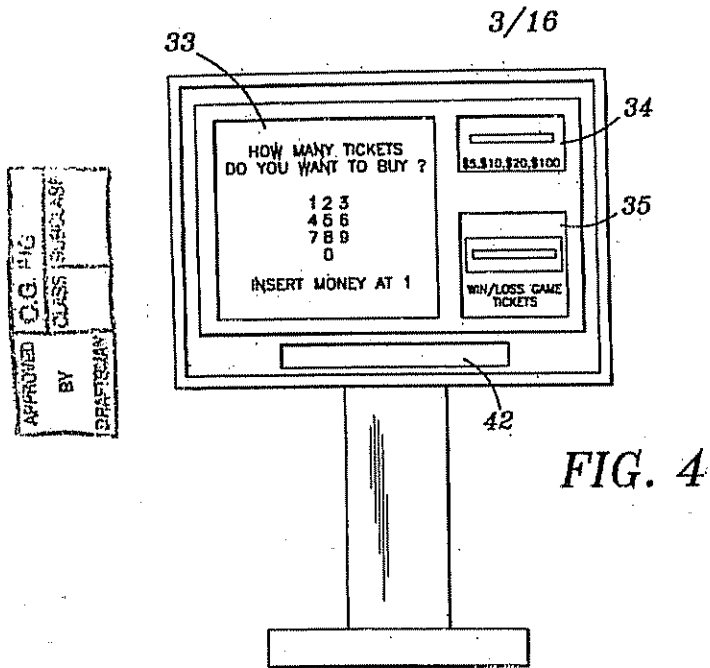
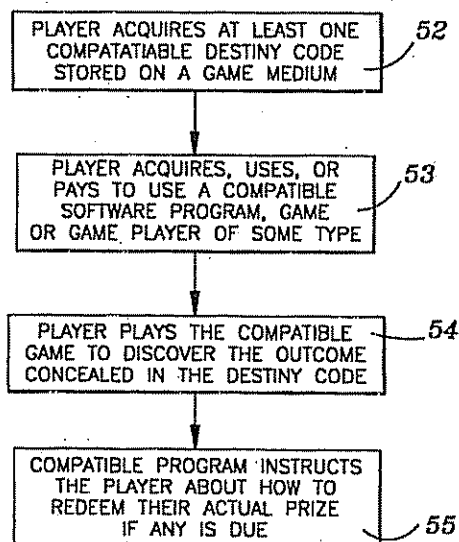
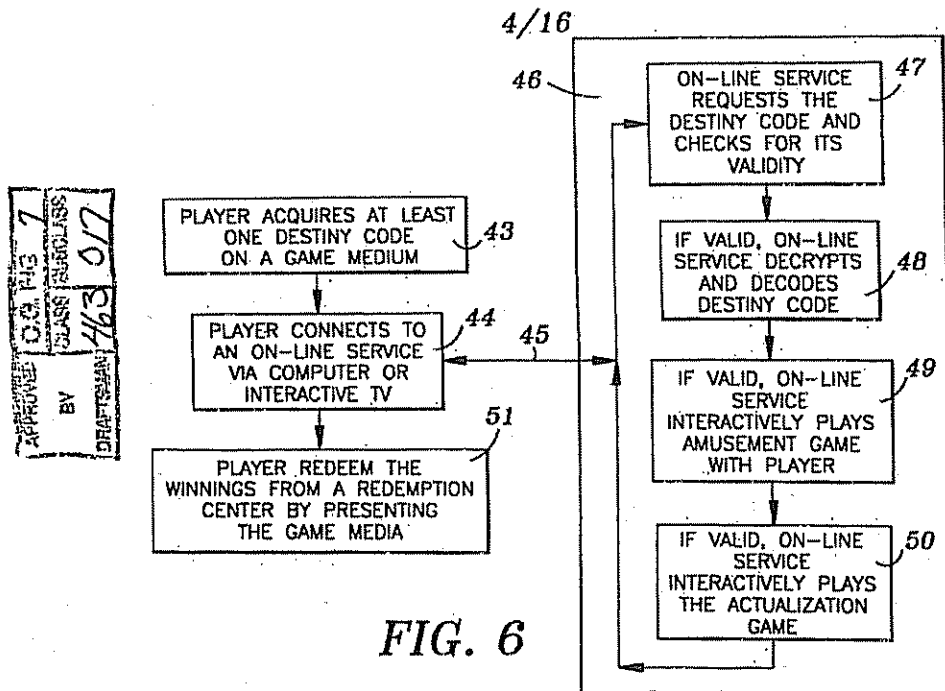
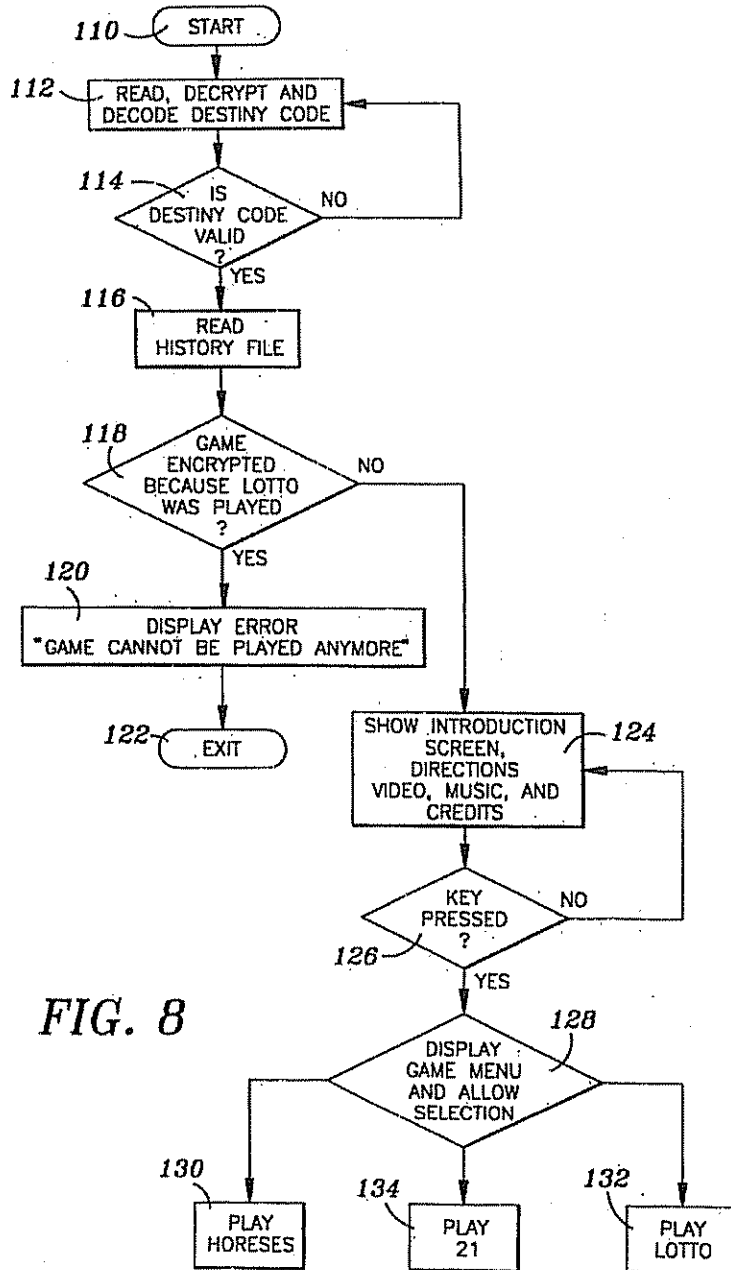


FIG. 3





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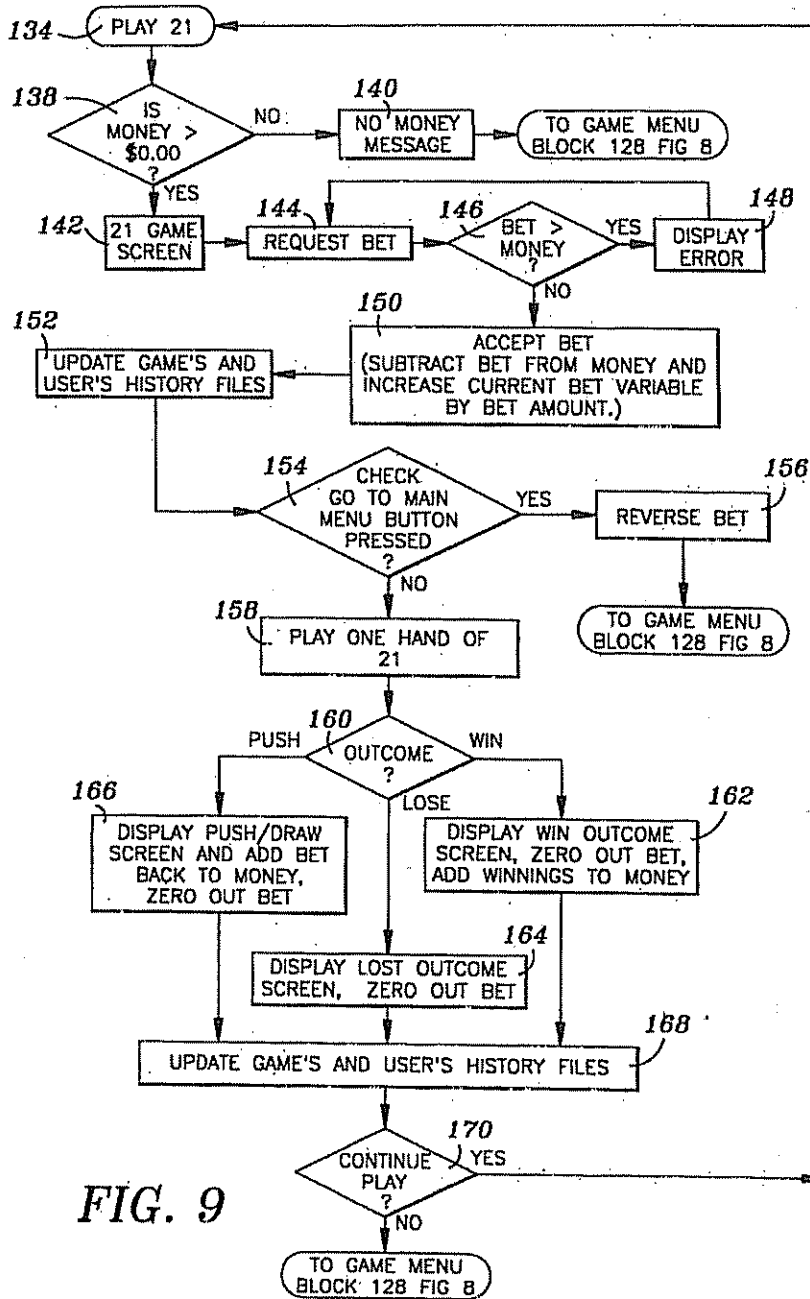
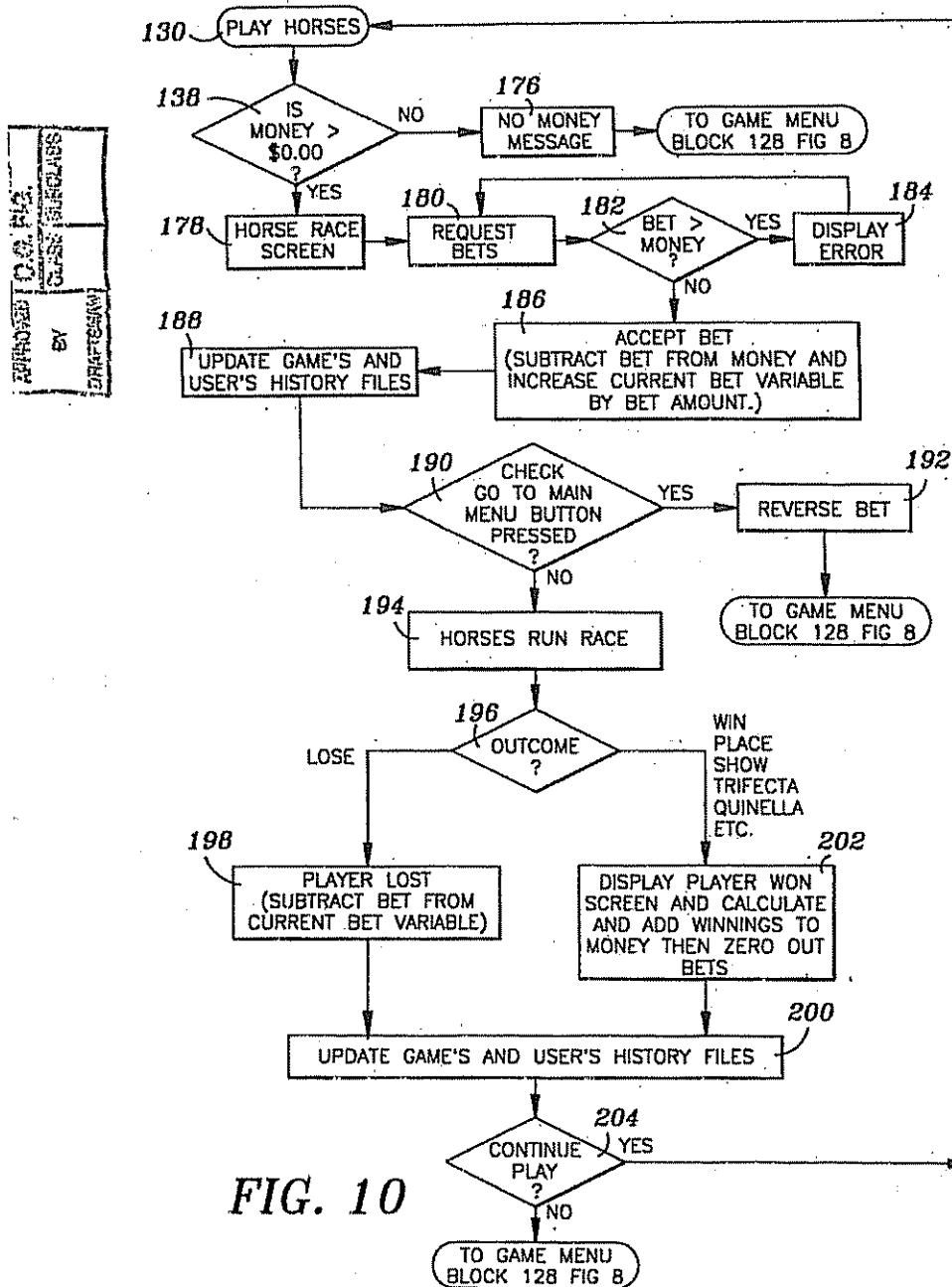


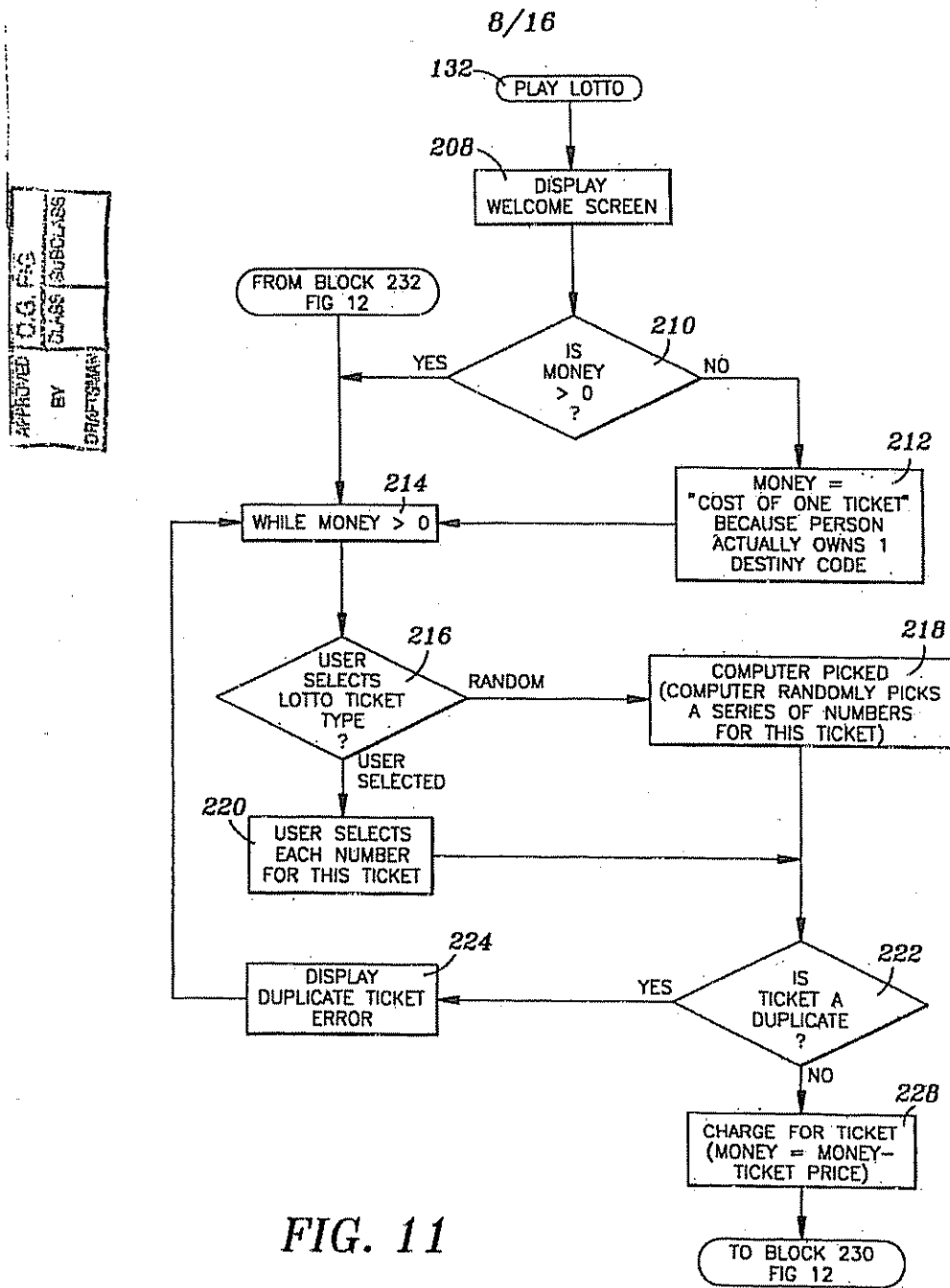
FIG. 9

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APPROVED O.G. FIG. 12
BY DRAFTSMAN

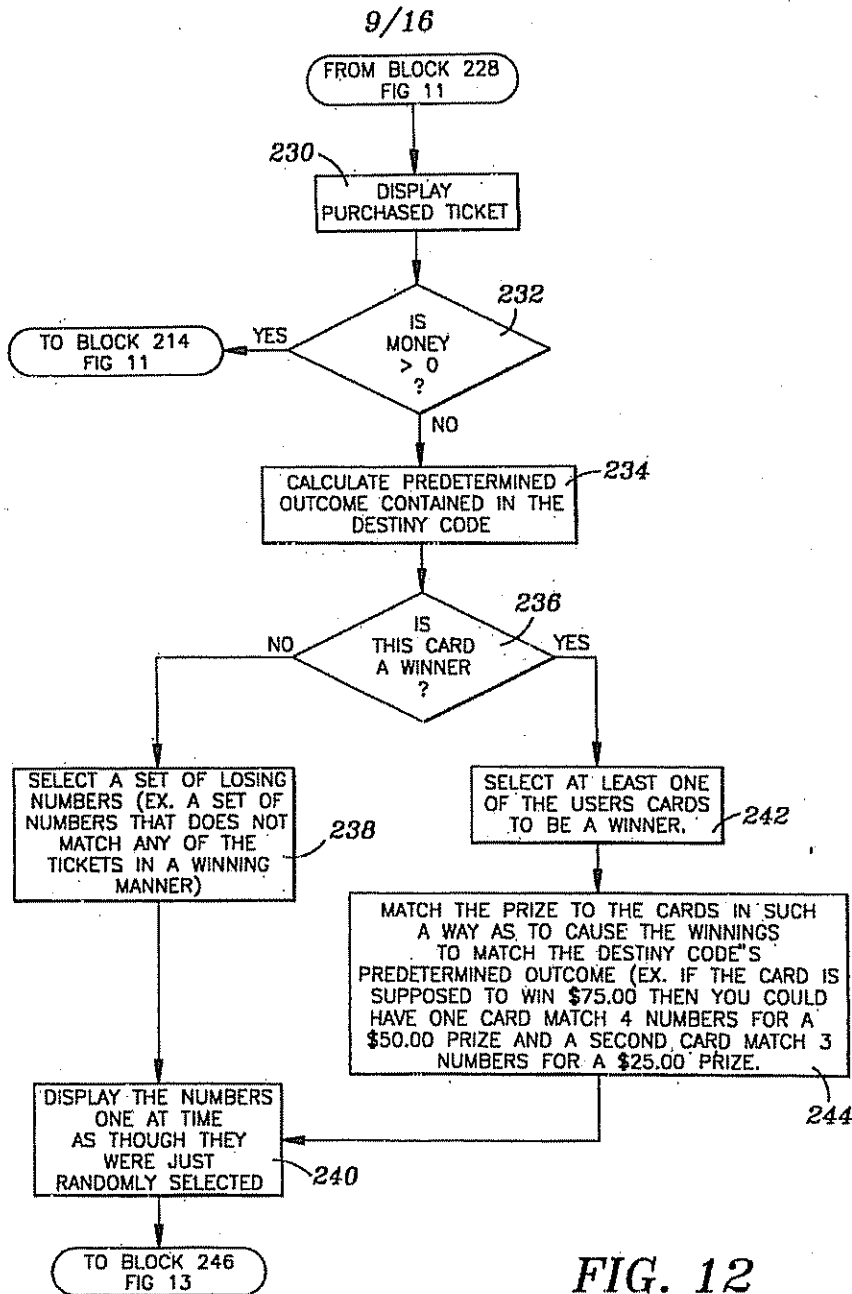


FIG. 12

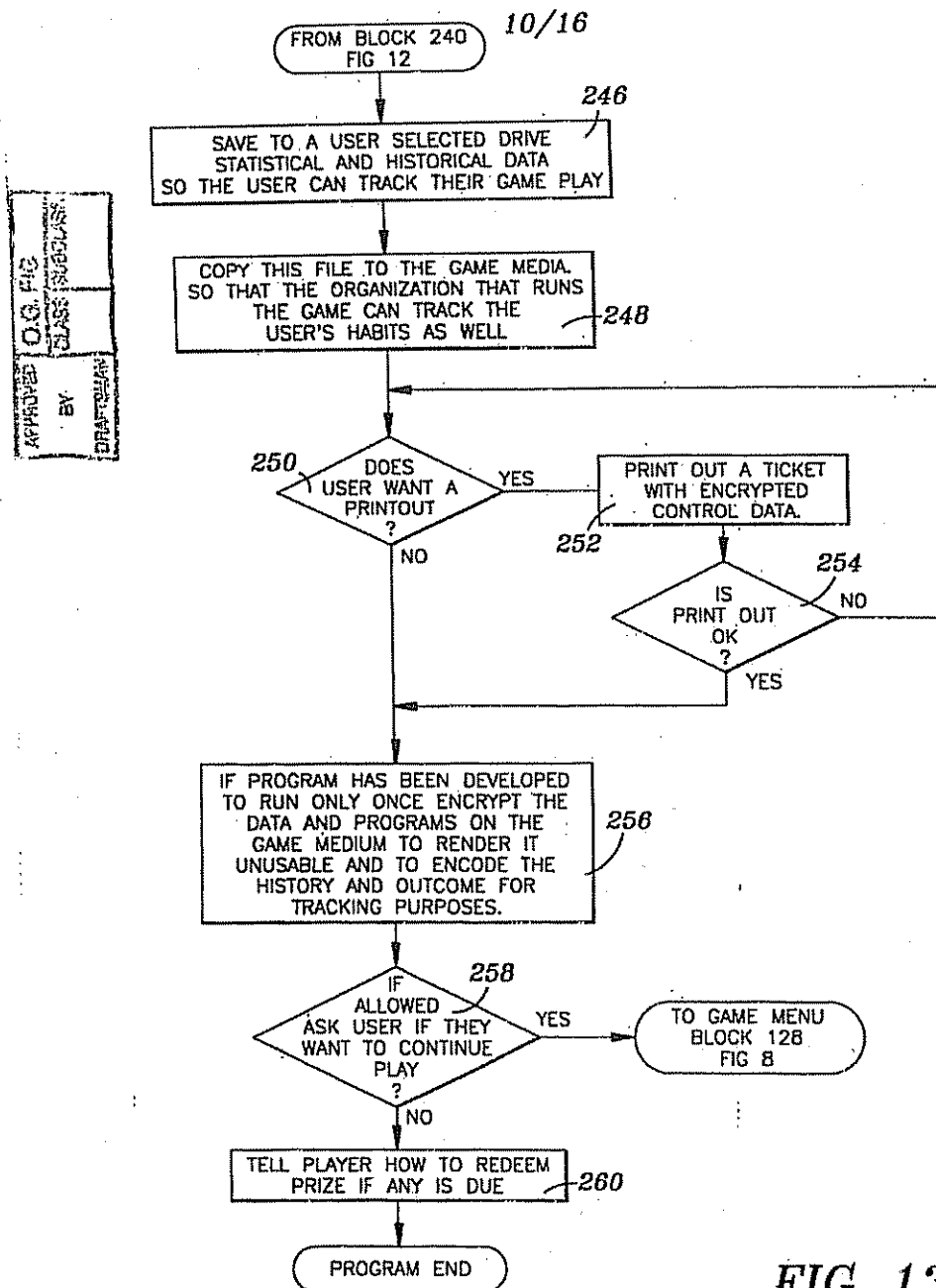
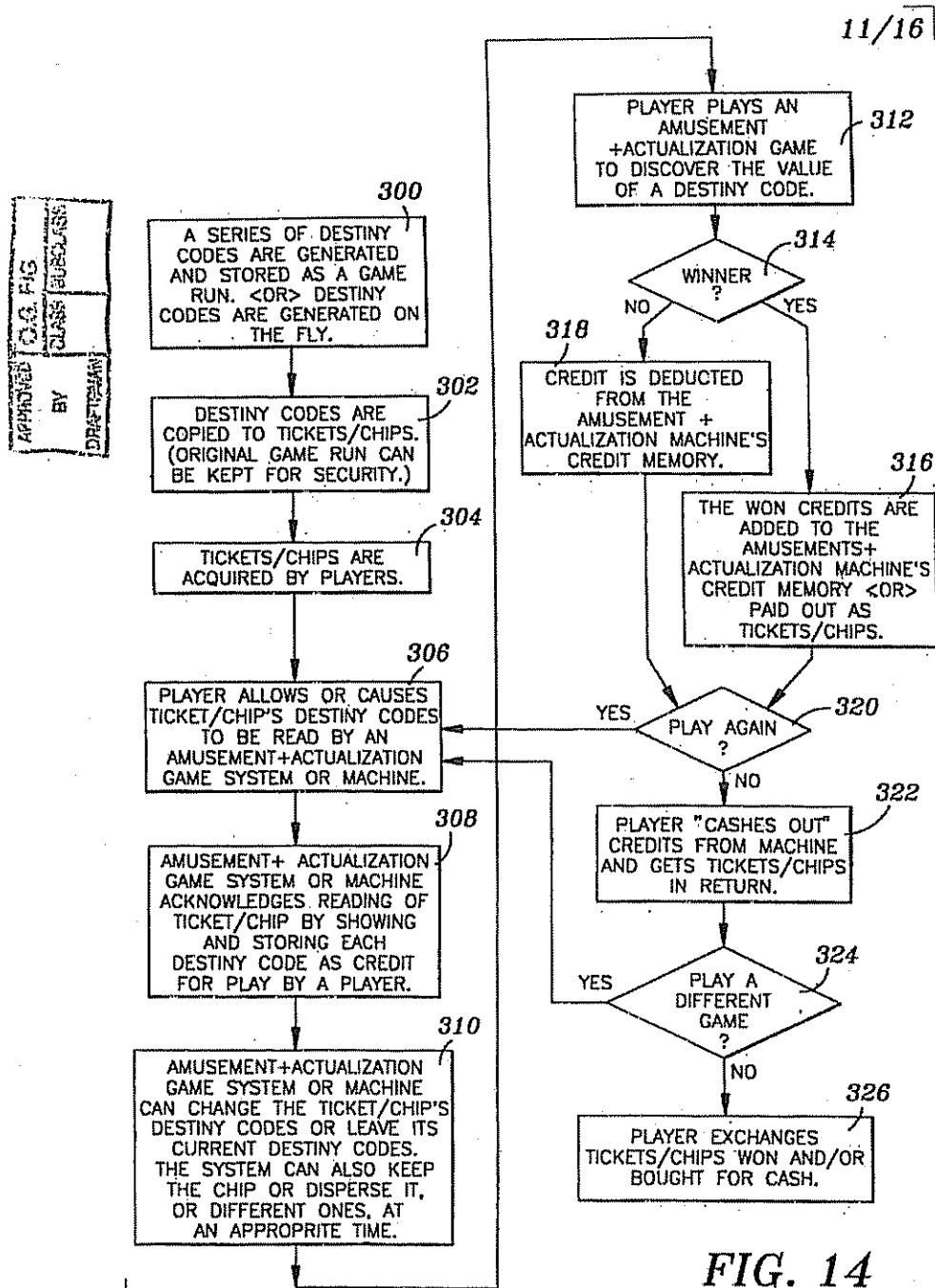


FIG. 13



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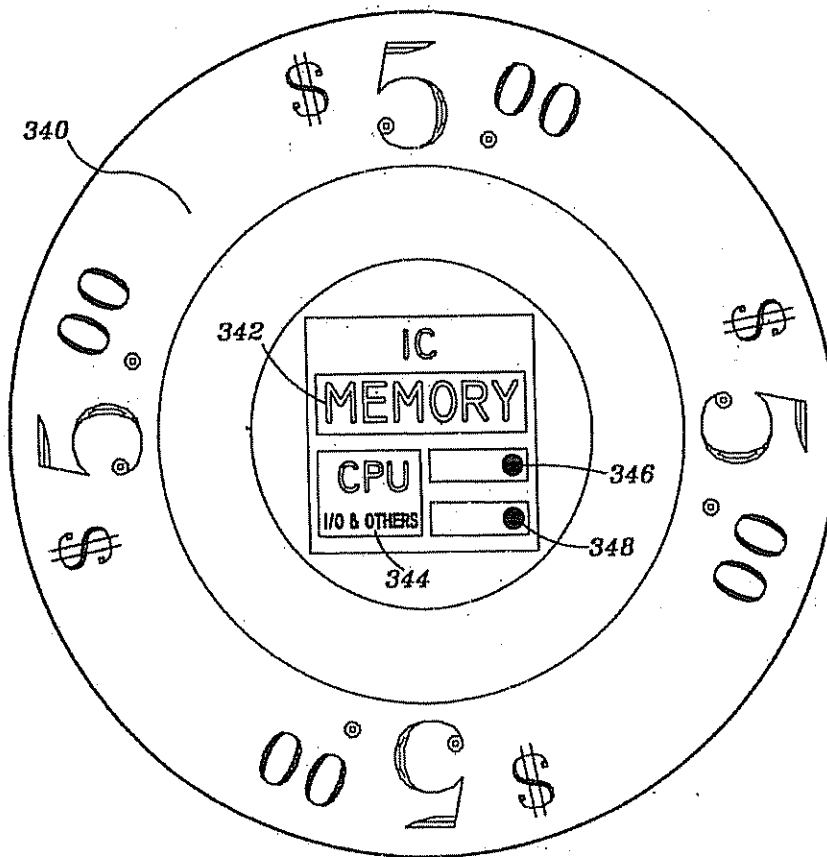
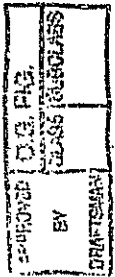
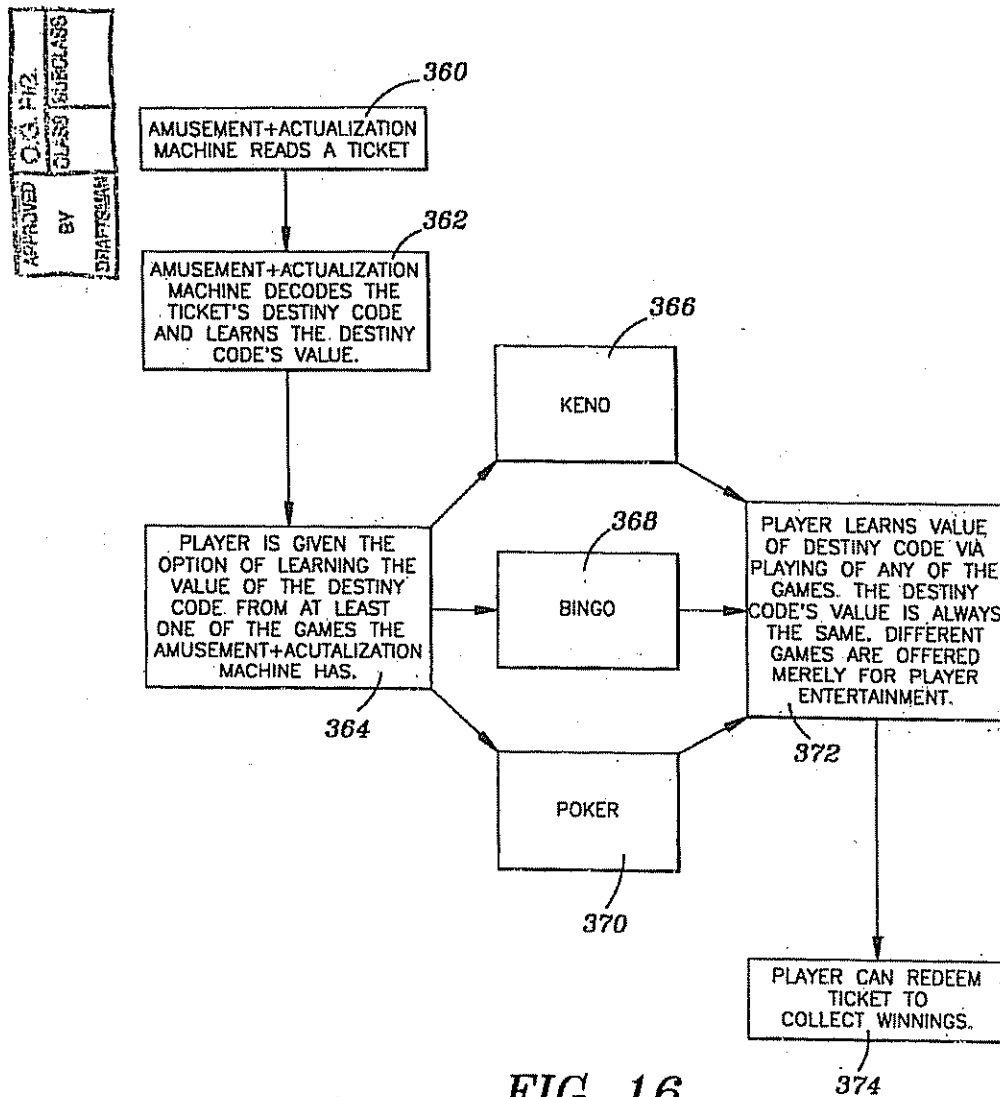


FIG. 15

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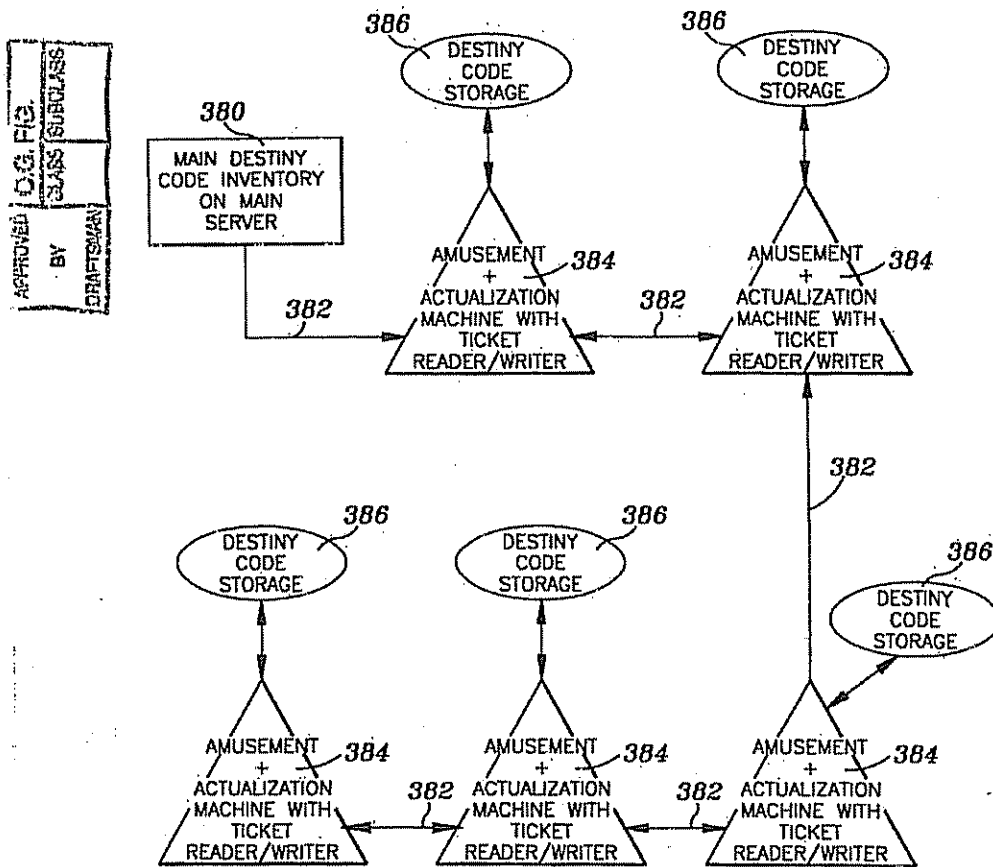


FIG. 17

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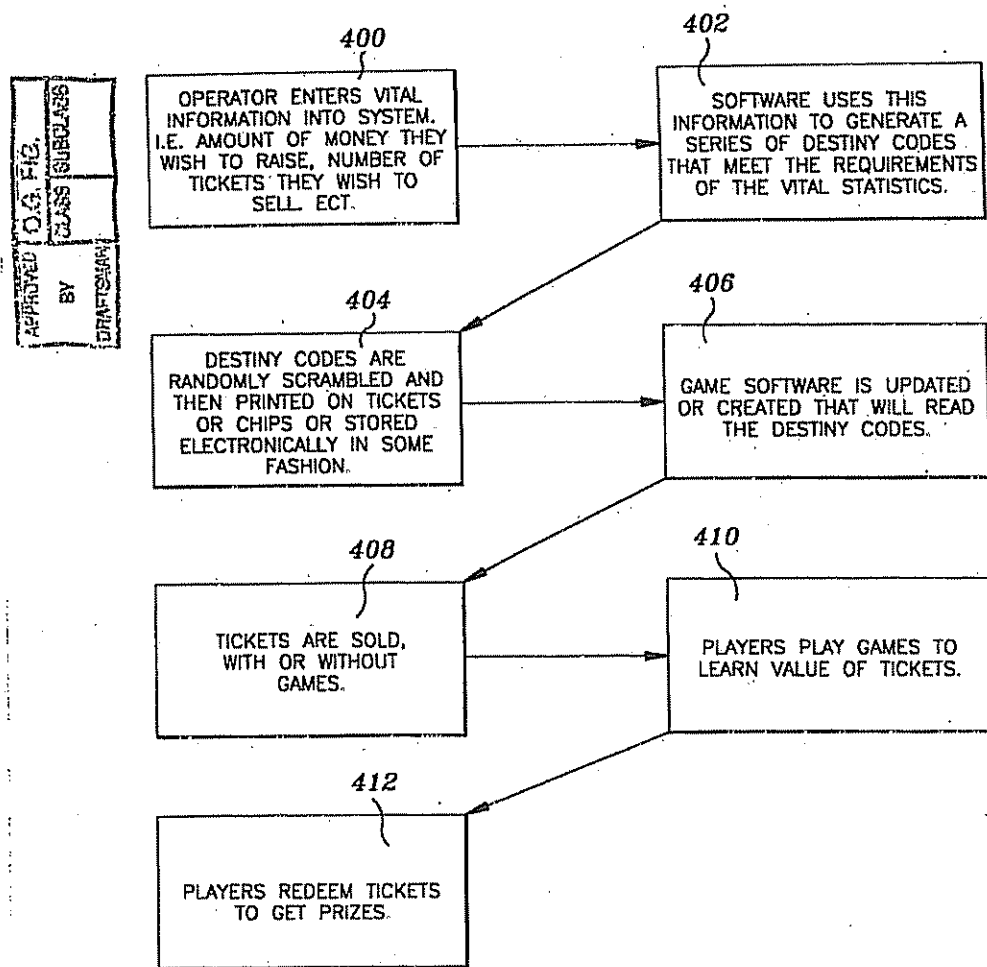


FIG. 18

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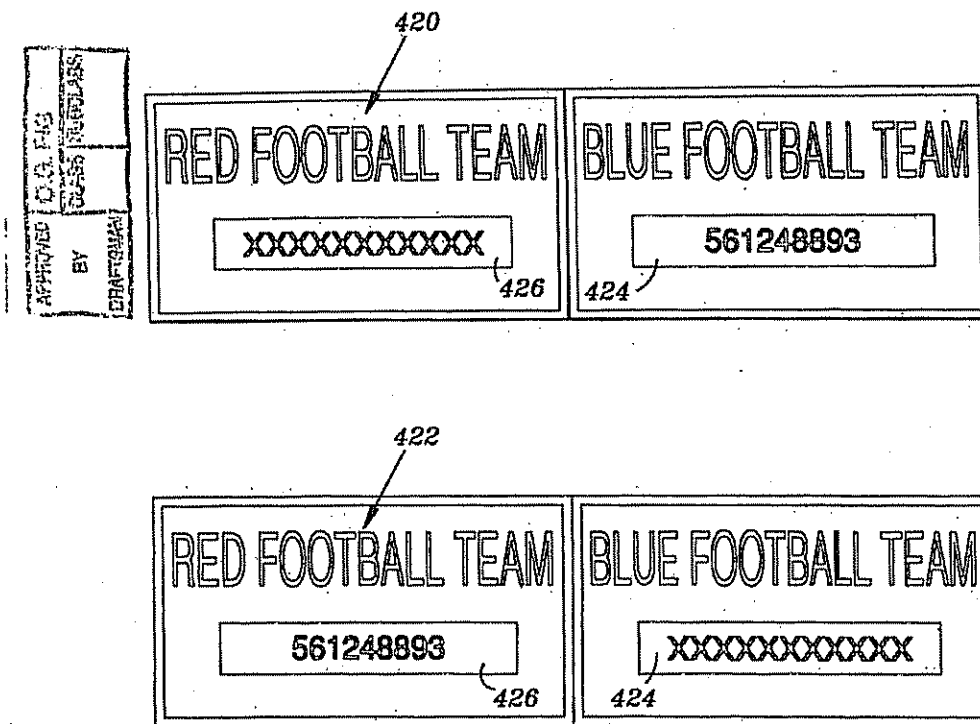


FIG. 19

PART B—ISSUE FEE TRANSMITTAL

MAILING INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE. Blocks 2 through 6 should be completed where appropriate. All further correspondence including the Issue Fee Receipt, the Patent, advance orders and notification of maintenance fees will be mailed to addresses entered in Block 1 unless you direct otherwise, by: (a) specifying new correspondence address in Block 3 below; or (b) providing this PTO with a separate "FREE ADDRESS" for maintenance fee notifications with the payment of issue fee of thereafter. See reverse for Certificates of Mailing, below.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending on the needs of the individual case. Any comments on the amount of time required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, D.C. 20231.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a currently valid OMB control number.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending on the needs of the individual case. Any comments on the amount of time required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, D.C. 20231.

DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Box Issue Fee, Assistant Commissioner for Patents, Washington D.C. 20231

1. CORRESPONDENCE ADDRESS

MARTIN KORN
GARDERE AND WYNNE, L.L.P.
1601 ELM STREET
SUITE 3000
DALLAS TX 75201

2. INVENTOR(S) ADDRESS CHANGE (Complete only if there is a change)

INVENTOR'S NAME Perry Kaye

Street Address 12696 Northwest 11th Court

City, State and Zip Code Sunrise, Florida 33323

CO-INVENTOR'S NAME

Street Address

City, State and Zip Code

☐ Check if additional changes are enclosed

APPLICATION NO.	FILING DATE	TOTAL CLAIMS	EXAMINER AND GROUP ART UNIT	DATE MAILED
08/738,317	10/25/96	017	SAGER, M	0904 00/15/97
First Named Applicant KAYE			DEBBY C.	

ATTY'S DOCKET NO.	CLASS-SUBCLASS	BATCH NO.	APPLN TYPE	SMALL ENTITY	FEE DUE	DATE DUE
3	KAYE24.914	463-017.000	Q47	UTILITY	YES \$645.00	11/17/9

3. Correspondence address change (Complete only if there is a change)
MARTIN KORN
GARDERE & WYNNE, L.L.P.
3000 Thanksgiving Tower
1601 Elm Street
Dallas, Texas 75201

4. For printing on the patent front page, list the names of not more than 3 registered patent attorneys or agents OR, alternatively, the name of a firm having as a member a registered attorney or agent. If no name is listed, no name will be printed.

1. Martin Korn
 2. _____
 3. _____

1. ASSIGNMENT DATA TO BE PRINTED ON THE PATENT (print or type) (1) NAME OF ASSIGNEE _____ (2) ADDRESS (CITY & STATE OR COUNTRY) _____ _____ _____		2a. The following fees are enclosed: <input checked="" type="checkbox"/> Issue Fee <input checked="" type="checkbox"/> Advance Order - # of Copies <u>10</u> 2b. The following fees should be charged to: DEPOSIT ACCOUNT NUMBER <u>07-0153</u> (ENCLOSE A COPY OF THIS FORM) <input type="checkbox"/> Issue Fee <input type="checkbox"/> Advance Order - # of Copies _____ <input type="checkbox"/> Any Dedications in Enclosed Fees _____	
A. <input checked="" type="checkbox"/> This application is NOT assigned. <input type="checkbox"/> Assignment previously submitted to the Patent and Trademark Office. <input type="checkbox"/> Assignment is being submitted under separate cover. Assignment should be directed to Box ASSIGNMENTS.		The COMMISSIONER OF PATENTS AND TRADEMARKS is requested to apply the issue fee to the application identified above. (Authorized Signature) <u>State: Km</u> Date <u>7/18/97</u> NOTE: The issue fee will not be accepted from anyone other than the applicant, a registered attorney or agent, or the assignee or other party in interest as shown by the records of the Patent and Trademark Office.	

Certificate of Mailing
Note: If this certificate of mailing is used, it can be used to transmit the Issue Fee. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing.
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:
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Washington, D.C. 20231



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
---------------	-------------	-----------------------	---------------------

EXAMINER

ART UNIT	PAPER NUMBER
----------	--------------

6

DATE MAILED:

NOTICE OF ALLOWABILITY

PART I

1. ☒ This communication is responsive to Amendment June 3, 1997
2. ☒ All the claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice Of Allowance And Issue Fee Due or other appropriate communication will be sent in due course.
3. ☒ The allowed claims are 1-17
4. ☐ The drawings filed on _____ are acceptable.
5. ☐ Acknowledgment is made of the claim for priority under 35 U.S.C. 110. The certified copy has ☐ been received. ☐ not been received. ☐ been filed in parent application Serial No. _____ filed on _____
6. ☐ Note the attached Examiner's Amendment.
7. ☐ Note the attached Examiner Interview Summary Record, PTOL-413
8. ☐ Note the attached Examiner's Statement of Reasons for Allowance.
9. ☐ Note the attached NOTICE OF REFERENCES CITED, PTO-892
10. ☐ Note the attached INFORMATION DISCLOSURE CITATION, PTO-1440.

PART II

A SHORTENED STATUTORY PERIOD FOR RESPONSE to comply with the requirements noted below is set to EXPIRE THREE MONTHS FROM THE "DATE MAILED" indicated on this form. Failure to timely comply will result in the ABANDONMENT of this application. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

1. ☐ Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION, PTO-152, which discloses that the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED.
2. ☒ APPLICANT MUST MAKE THE DRAWING CHANGES INDICATED BELOW IN THE MANNER SET FORTH ON THE REVERSE SIDE OF THIS PAPER.
 - a. ☒ Drawing formalities are indicated on the NOTICE RE PATENT DRAWINGS, PTO-848, attached hereto or to Paper No. _____ CORRECTION IS REQUIRED.
 - b. ☐ The proposed drawing correction filed on _____ has been approved by the examiner. CORRECTION IS REQUIRED.
 - c. ☐ Approved drawing corrections are described by the examiner in the attached EXAMINER'S AMENDMENT. CORRECTION IS REQUIRED.
 - d. ☒ Formal drawings are now REQUIRED.

Any response to this letter should include in the upper right hand corner, the following information from the NOTICE OF ALLOWANCE AND ISSUE FEE DUE: ISSUE BATCH NUMBER, DATE OF THE NOTICE OF ALLOWANCE, AND SERIAL NUMBER.

Attachments:

- Examiner's Amendment
- Examiner Interview Summary Record, PTOL-413
- Reasons for Allowance
- Notice of References Cited, PTO-892
- Information Disclosure Citation, PTO-1440
- Notice of Informal Application, PTO-152
- Notice re Patent Drawings, PTO-848
- Listing of Bonded Draftsmen
- Other

JESSICA HARRISON
SUPERVISORY PATENT EXAMINER
GROUP 3300



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: Box ISSUE FEE
ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

NOTICE OF ALLOWANCE AND ISSUE FEE DUE

FGN1/0815

MARTIN KORN
GARDERE AND WYNNE, L.L.P.
1601 ELM STREET
SUITE 3000
DALLAS TX 75201

APPLICATION NO.	FILING DATE	TOTAL CLAIMS	EXAMINER AND GROUP ART UNIT	DATE MAILED
08/738,317	10/25/96	017	GABER, Jd	2794 09/15/97
First Named Applicant	KAYE	PERRY, R		

TITLE OF INVENTION
PERSONAL COMPUTER LOTTERY GAME

ATTY'S DOCKET NO.	CLASS-SUBCLASS	BATCH NO.	APPL. TYPE	SMALL ENTITY	FEE DUE	DATE DUE
3 KAYE24.914	463-017.000	047	UTILITY	YES	\$645.00	11/17/97

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED.

THE ISSUE FEE MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED.

HOW TO RESPOND TO THIS NOTICE:

- I. Review the SMALL ENTITY status shown above.
If the SMALL ENTITY is shown as yes, verify your current SMALL ENTITY status:
 - A. If the status is changed, pay twice the amount of the FEE DUE shown and notify the Patent and Trademark Office of the change in status, or
 - B. If the status is the same, pay the FEE DUE shown above.
- If the SMALL ENTITY is shown as NO:
 - A. Pay FEE DUE shown above, or
 - B. File verified statement of Small Entity Status before, or with, payment of 1/2 the FEE DUE shown above.
- II. Part B of this notice should be completed and returned to the Patent and Trademark Office (PTO) with your ISSUE FEE. Even if the ISSUE FEE has already been paid by charge to deposit account, Part B should be completed and returned. If you are charging the ISSUE FEE to your deposit account, section "6b" of Part B should be completed.
- III. All communications regarding this application must give application number and batch number. Please direct all communication prior to issuance to Box ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Patents Issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

117158-1001

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Perry S. Kaye
Serial No.: 08/738,317
Filed: October 25, 1996
Group: 3304
Examiner: M. Sager
For: PERSONAL COMPUTER
LOTTERY GAME

Box Non Fee Amendment
Assistant Commissioner
for Patents
Washington, D.C. 20231

Dear Sir:

AMENDMENT

In response to the Office Action mailed March 5, 1997, please amend the
above-identified application as follows:

IN THE CLAIMS

Please amend Claims 5, 14, and 17 as follows:

21 5x (Amended) A method for playing a lottery type game comprising the
steps of:

acquiring by a player a gaming piece, the gaming piece including a code which includes data indicating whether the player wins or loses the lottery type game and
 5 an amusement game, the data being unrecognizable to the player, such that the player does not know whether the player will win or lose the games prior to play of the amusement game;

inserting the gaming piece into a data reader for reading the code;

inputting the code into a processor;

10 the processor generating a plurality of amusement games on a display for play by the player, the player selecting at least one of the plurality of amusement games [to be played] for play by the player;

the processor controlling whether the player will win or lose the selected amusement game based upon the code; and

15 providing on the display an indication to the player of the selected amusement game win or loss based upon the code.

141A (Amended) A lottery type game comprising:

22 a gaming piece, said gaming piece including a predetermined code which includes data indicating whether a player wins or loses; and

5 a processor for reading said code, the player winning or losing the lottery type game based upon said code and [the] occurrence of an event external to operation of the lottery type game, such that the player does not know whether the player will win or lose the lottery type game until after the occurrence of the event.

171A (Amended) The lottery type game of Claim 14 wherein said code indicates whether the player wins or loses an amusement game [to be played] for play by the player, and said processor controls whether the player will win or lose the amusement game based upon said code.

REMARKS

This application has been carefully reviewed in light of the Office Action mailed March 5, 1997. Claims 5, 14, and 17 have been amended. Reconsideration and favorable action in this application is respectfully requested.

The Examiner's indication that Claims 1-4 and 7-13 are allowed is noted with appreciation. Further, the Examiner's indication that Claims 5 and 6 would be allowable if written to overcome the rejection under 35 U.S.C. § 112 is also noted with appreciation. Claim 5 has been amended, and it is respectfully submitted that Claims 5 and 6 are now in full compliance with 35 U.S.C. § 112.

Claims 14-17 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Bergeron; under 35 U.S.C. § 102(e) as being anticipated by Sludikoff et al.; and under 35 U.S.C. § 102(e) as being anticipated by Rusnak. Claim 14 has now been amended, and it is respectfully submitted that Claim 14 clearly distinguishes over the cited references.

The present lottery type game as claimed in Claim 14 includes a gaming piece with a predetermined code that includes data indicating whether a player wins or loses the lottery type game. Additionally, in order to win the lottery type game, the occurrence of an external event must occur. Therefore, the combination of the win code as well as the occurrence of the event, external to the lottery type game, must both be present for the player to win. The event external to the lottery type game may include, for example, the identification of a winner of a sporting event.

The events cited by the Examiner with respect to the cited references are all occurrences relating to the play of the game, and not an external event. For example, in Sludikoff et al., the occurrence of the event is the game start/player selection of numbers or win/loss inherent in the lottery game. Similarly, in Rusnak, the event is the "start" game or the predetermined odds of winning. It is therefore respectfully submitted that Claim 14 as amended, clearly distinguishes over the cited references,

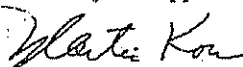
A
3

and is now in condition for allowance. Claims 15-17, depending from Claim 14, further define the present invention, and it is respectfully submitted that Claims 15-17 are also in condition for allowance.

For the foregoing reasons, full allowance of Claims 1-17 is respectfully requested. If the Examiner has any questions regarding this Amendment, the Examiner is respectfully requested to telephone the undersigned attorney.

Respectfully submitted,

GARDERE & WYNNE, L.L.P.
Attorneys for Applicant



Martin Korn
Registration No. 28,317

MK/jbh

1601 Elm Street, Suite 3000
Dallas, TX 75201-4761

214/999-4664
214/999-4667 (Fax)

June 2, 1997



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
 Address: COMMISSIONER OF PATENTS AND TRADEMARKS
 Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
08/738,317	10/25/96	KAYE	P KAYE24,914

EXAMINER

F3M1/0305

MARTIN KORN
 GARDERE AND WYNNE, L.L.P.
 1601 ELM STREET
 SUITE 3000
 DALLAS TX 75201

ATTORNEY
 3304
 DATE MAILED: 03/05/97

This is a communication from the examiner in charge of your application.
 COMMISSIONER OF PATENTS AND TRADEMARKS

OFFICE ACTION SUMMARY

- ☒ Responsive to communication(s) filed on Jan 14, 1997
- ☐ This action is FINAL.

- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire Three (3) month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

- ☒ Claim(s) 1-17 is/are pending in the application.
- Of the above, claim(s) _____ is/are withdrawn from consideration.
- ☒ Claim(s) 1-4 and 7-13 is/are allowed.
- ☒ Claim(s) 5-6 and 14-17 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claims _____ are subject to restriction or election requirement.

Application Papers

- ☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-848.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some ☐ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) _____
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

- ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- ☒ Notice of Reference Cited, PTO-892
- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) 3 (4 pages)
- ☐ Interview Summary, PTO-413
- ☒ Notice of Draftsperson's Patent Drawing Review, PTO-848
- ☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

Serial Number: 08/738,317
Art Unit: 3304

Paper No. 4
Page No. 2

Claim Rejections - 35 USC § 112

1. Claims 5-6 and 14-17 are rejected under 35 U.S.C. 112, second paragraph, as failing to set forth the subject matter which applicant(s) regard as their invention.

The phrase "to be" is indefinite for not clearly claiming the metes and bounds of the invention.

The phrase "the lottery" and "the occurrence" each either lack antecedent basis, are inconsistent with prior claim language or are indefinite for not clearly claiming the metes and bounds of the invention.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3. Claims 14-16 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Bergeron. Bergeron shows a lottery game clearly comprising features of instant claims, as broadly claimed. This rejection is made only to demonstrate breadth of instant claims reads on most lottery systems; especially systems where a player selects their numbers.
4. Claims 14-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Sludikoff et al. Sludikoff shows a lottery game (3:20 - 5:21, Figs. 1-4) comprising a gaming piece (30, 52)

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Art Unit: 3304

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Page No. 3

including a code which includes data indicating whether a player wins or loses (4, 20 or 40), a processor for reading said code (lottery machines inherently include processors for reading player input numbers or gaming piece codes/serial numbers) where the player wins or loses based upon said code and occurrence of an event (game start/player selection of numbers for player controlled event or lottery system selection of win/lose as is inherent in lottery games for non-player controlled event) wherein said code indicates whether the player wins or loses an amusement game (Figs. 1-5, refs. 24, 26, 44, 46) and said processor controls whether the player will win or lose the amusement game based upon said code, where the code is all indicia printed on face of ticket (30, 52).

5. Claims 14-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Rusnak. Rusnak shows a lottery game comprising a gaming piece (10), a code (Fig. 3) which includes data indicating whether a player wins or loses (Figs. 1-3, "YOU HAVE WON" and refs. 13,14), a processor for reading said code (Figs. 1-4), the player winning or losing the lottery game based upon said code and occurrence of an event ("start" game for event controlled by a player or 3:36-43 for event not controlled by player) wherein said code indicates whether the player wins or loses an amusement game (Figs. 1-4) and said processor controls whether the player will win or lose the amusement game based upon said code, where the code is all indicia on face of ticket (10) which is determined based upon odds (3:36-43).

IN001297

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Art Unit: 3304

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Allowable Subject Matter

6. Claims 5-6 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112 set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

7. Claims 1-4 and 7-13 are allowed.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Haste, III, Marin et al, Evans et al and Mullins each show a lottery game which anticipates claims 14-16 and each could have been used to reject instant claims, as broadly claimed. Barr, Frank et al and Swafford, Jr. et al each disclose devices considered pertinent.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. A. Sager whose telephone number is (703) 308-0785. The examiner can normally be reached on M-TH from 0700 to 1700.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Jessica Harrison, can be reached on (703) 308-2217. The fax phone number for Group 3300 is (703) 305-3590.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0858.

MAS

MAS
Feb. 28, 1997

JH

JESSICA HARRISON
SUPERVISORY PATENT EXAMINER
GROUP 3300

IN001298

TO SEPARATE, HOLD TOP AND BOTTOM EDGES, SNAP-APART AND DISCARD CARBON

FORM PTO-852 (REV. 2-02)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		SERIAL NO. 08/738317	GROUP/ART UNIT 3304	ATTACHMENT TO PAPER NUMBER 4		
NOTICE OF REFERENCES CITED				APPLICANT(S) Kaye				
U.S. PATENT DOCUMENTS								
	DOCUMENT NO.	DATE	NAME	CLASS	SUB-CLASS	FILING DATE IF APPROPRIATE		
A	5580311	12/3/96	Haste, III	463	016	3/17/95		
B	5472196	12/5/95	Rusnak	463	016	3/31/94		
C	5362051	11/8/94	Swafford, Jr et al	463	016			
D	5186463	2/16/93	Marin et al	463	017			
E	5176380	7/5/93	Evans et al	463	016			
F	5158293	10/27/92	Mullins	273	139			
G	5116049	5/26/92	Sludikoff et al	273	139			
H	5088737	2/18/92	Frank et al	273	139			
I	3594004	7/20/71	Barr	273	139			
J								
K								
FOREIGN PATENT DOCUMENTS								
	DOCUMENT NO.	DATE	COUNTRY	NAME	CLASS	SUB-CLASS	PERTINENT SHTS DWG	PP SPEC
L								
M								
N								
O								
P								
Q								
OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)								
R								
S								
T								
U								
EXAMINER MAS		DATE 2/28/97						
* A copy of this reference is not being furnished with this office action. (See Manual of Patent Examining Procedure, section 707.05 (a).)								

IN001299

Form PTO 912 (Rev. 10-2-91)

U.S. PATENT AND TRADEMARK OFFICE

Patent Office

738,312

NOTICE OF DRAWING REVIEW

PTO Field examiners review all originally filed drawings to determine if they are acceptable for publication. Additionally, patent Examiners will review the drawings for compliance with the applicable patent filing requirements concerning this review in the Drawing Review Manual, 703-305-4807.

The drawings filed (insert date) 10/25/04 are
 A. not objected to by the Draftsperson under 37 CFR 1.04 or 1.152.
 B. is objected to by the Draftsperson under 37 CFR 1.04 or 1.152 as indicated below. The Examiner will require submission of new, corrected drawings when necessary. Corrected drawings must be submitted according to the instructions on the back of this Notice.

1. DRAWINGS. 37 CFR 1.04(a): Acceptable categories of drawings:

- Black ink. Color.
- Not black solid lines. Fig(s) _____
- Color drawings are not acceptable until permission is granted. Fig(s) _____

2. PHOTOGRAPHS. 37 CFR 1.04(b)

- Photographs are not acceptable until permission is granted. Fig(s) _____
- Photographs not properly mounted (must use crystal board or photographic double-weight paper). Fig(s) _____
- Poor quality (half-tone). Fig(s) _____

3. GRAPHIC FORMS. 37 CFR 1.04 (c)

- Chemical or mathematical formulae not labeled as separate figure. Fig(s) _____
- Group of waveforms not presented as a single figure, using common vertical axis with time extending along horizontal axis. Fig(s) _____
- Individual waveform not identified with a separate letter designation adjacent to the vertical axis. Fig(s) _____

4. TYPE OF PAPER. 37 CFR 1.04(c)

- Paper not flexible, strong, white, smooth, nonshiny, and durable. Sheet(s) _____
- Resures, alterations, overwritings, interlineations, cracks, creases, and fold copy machine marks not accepted. Fig(s) _____
- Mylar, velum paper is not acceptable (too thin). Fig(s) _____

5. SIZE OF PAPER. 37 CFR 1.04(f): Acceptable sizes:

- 21.6 cm. by 35.6 cm. (8 1/2 by 14 inches)
- 21.6 cm. by 33.1 cm. (8 1/2 by 13 inches)
- 21.6 cm. by 27.9 cm. (8 1/2 by 11 inches)
- 21.0 cm. by 29.7 cm. (COM size A4)

- All drawing sheets not the same size. Sheet(s) _____
- Drawing sheet not an acceptable size. Sheet(s) _____

6. MARGINS. 37 CFR 1.04(g): Acceptable margins:

Paper size:

21.6 cm. X 35.6 cm. (8 1/2 X 14 inches)	21.6 cm. X 33.1 cm. (8 1/2 X 13 inches)	21.6 cm. X 27.9 cm. (8 1/2 X 11 inches)	21.0 cm. X 29.7 cm. (COM size A4)
T 5.1 cm. (2")	2.5 cm. (1")	2.5 cm. (1")	2.5 cm. (1")
L .64 cm. (1/4")	.64 cm. (1/4")	.64 cm. (1/4")	.64 cm. (1/4")
B .64 cm. (1/4")	.64 cm. (1/4")	.64 cm. (1/4")	.64 cm. (1/4")

Margins do not conform to chart above.
 Sheet(s) _____

Top (T) _____ Right (R) _____ Bottom (B) _____

7. VIEWS. 37 CFR 1.04(h)

REMARKS: Specification may require revision to correspond to drawing changes.

- All views not grouped together. Fig(s) _____
- Views connected by projection lines or lead lines. Fig(s) _____
- Partial views. 37 CFR 1.04(h) 2

- View and enlarged view not labeled separately or properly. Fig(s) _____
- Sectional views. 37 CFR 1.04 (h) 3
- Hatching not indicated for essential portions of an object. Fig(s) _____
- Cross section not shown same as view with parts in cross section with regularly spaced parallel oblique strokes. Fig(s) _____

8. ARRANGEMENT OF VIEWS. 37 CFR 1.04(i)

- Views do not appear on a horizontal, left-to-right fashion when page is either upright or turned so that the top becomes the right side, except for graphs. Fig(s) _____

9. SCALE. 37 CFR 1.04(j)

- Scale not large enough to show mechanism with crowding when drawing is reduced in size to two-thirds its reproduction. Fig(s) _____
- Indication such as "actual size" or scale 1/2" not permitted. Fig(s) _____

10. CHARACTER OF LINES, NUMBERS, & LETTERS. 37 CFR 1.04(k)

- Lines, numbers & letters not uniformly thick and well defined, clean, distinct, and black, except for color drawings. Fig(s) _____

11. SHADING. 37 CFR 1.04(m)

- Solid black shading areas not permitted. Fig(s) _____
- Stippled lines, pale, rough and blurred. Fig(s) _____

12. NUMBERS, LETTERS, & REFERENCE CHARACTERS. 37 CFR 1.04(p)

- Numbers and reference characters not plain and legible. 37 CFR 1.04(p)(1) Fig(s) _____
- Numbers and reference characters not oriented in same direction as the view. 37 CFR 1.04(p)(2) Fig(s) _____
- English alphabet not used. 37 CFR 1.04(p)(2) Fig(s) _____
- Numbers, letters, and reference characters do not measure at least .32 cm. (1/8 inch) in height. 37 CFR 1.04(p)(2) Fig(s) _____

13. LEAD LINES. 37 CFR 1.04(q)

- Lead lines cross each other. Fig(s) _____
- Lead lines missing. Fig(s) _____

14. NUMBERING OF SHEETS OF DRAWINGS. 37 CFR 1.04(r)

- Sheet not numbered consecutively, and in Arabic numerals, beginning with number 1. Sheet(s) _____

15. NUMBER OF VIEWS. 37 CFR 1.04(u)

- Views not numbered consecutively, and in Arabic numerals, beginning with number 1. Fig(s) _____
- View number not preceded by the abbreviation Fig. Fig(s) _____

16. CORRECTIONS. 37 CFR 1.04(v)

- Corrections not made prior to PTO-912. Fig(s) _____

17. PERSPECTIVE DRAWING. 37 CFR 1.152

- Surface shading shown not appropriate. Fig(s) _____
- Solid black shading not used for color contrast. Fig(s) _____

COMMENTS:

Page 15 of 15

ATTACHMENT TO PAPER NO. 4

PTO Copy

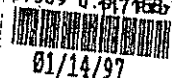
REVIEWER [Signature]DATE 1/3/05

IN001300

#3

67369 U.S. PAT. 1001 (KAYE-24,914)

PATENT



01/14/97

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Perry S. Kaye
 Serial Number: 08/738,317
 Filing Date: October 25, 1986
 Group: 3304 ✓
 For: PERSONAL COMPUTER LOTTERY GAME

CERTIFICATE OF MAILING
 I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, on January 10, 1997.
 (Date)
 Julie Fagan
 (Printing or typed name of the person signing the certificate)
 (Signature of the person signing the certificate)
 (Date of Signature)

Assistant Commissioner for Patents
 Washington, D.C. 20231

Dear Sir:

RECEIVED
 JAN 27 1997

INFORMATION DISCLOSURE STATEMENT

Pursuant to the duty of disclosure under 37 C.F.R. §1.56, Applicant submits this statement. This submittal is made in accordance with 37 C.F.R. §§1.97 and 1.98 and § 609 of the Manual of Patent Examining Procedure. The U.S. Patents and Foreign Patents discussed herein are listed below and on the attached Form PTO-1449. Copies of references cited by or submitted in the prior application of which this is a continuation-in-part have previously been sent. Copies of new cited references accompanies this statement.

Serial No.: 08/418,011

<u>U.S. PATENT NO.</u>	<u>PATENTEE</u>	<u>ISSUE DATE</u>
4,108,361	Krause	August, 1978
4,288,077	Rose et al.	September, 1981
4,575,622	Pellegrini	March, 1986
4,582,324	Koza et al.	April, 1986
4,652,998	Koza et al.	March, 1987
4,689,742	Troy et al.	August, 1987
4,760,247	Keane et al.	July, 1988
4,764,666	Bergeron	August, 1988

IN001301

-2-

<u>U.S. PATENT NO.</u>	<u>PATENTEE</u>	<u>ISSUE DATE</u>
4,832,341	Muller et al.	May, 1989
4,882,473	Bergeron et al.	November, 1989
4,996,705	Entenmann	February, 1991
5,069,453	Koza et al.	December, 1991
5,083,272	Walker et al.	January, 1992
5,112,050	Koza et al.	May, 1992
5,212,368	Hara	May, 1993
5,223,698	Kapur	June, 1993
5,282,620	Keesee	February, 1994
5,326,104	Pease et al.	July, 1994
5,327,485	Leadon	July, 1994
5,330,185	Wells	July, 1994
5,331,141	Kaneko	July, 1994
5,342,047	Heidel et al.	August, 1994
5,348,299	Clapper, Jr.	September, 1994
5,365,575	Katz	November, 1994
5,377,975	Clapper, Jr.	January, 1995
5,398,932	Eberhardt et al.	March, 1995
5,407,199	Gumina	April, 1995
5,411,258	Wilson et al.	May, 1995
5,415,416	Seagnelli et al.	May, 1995
5,417,424	Snowden et al.	May, 1995
5,429,361	Raven et al.	July, 1995
5,569,082	Kaye	October, 1996

Serial No.: 08/738,317
(Copies of new cited references attached)

<u>U.S. PATENT NO.</u>	<u>PATENTEE</u>	<u>ISSUE DATE</u>
5,373,440	Cohen et al.	December, 1994

<u>FOREIGN PATENTS</u>	<u>COUNTRY</u>	<u>DATE</u>
WO 91/06931	PCT	May, 1991
WO 94/03873	PCT	February, 1994

REMARKS

Applicant hereby expressly reserves the right to swear behind the effective dates of any of the

IN001302

-3-

herein, in whole, in part, or in combination, subsequent to filing this Information Disclosure Statement.

The Commission is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 07-0153.

Respectfully submitted,

GARDERE & WYNNE, L.L.P.

By: 

Martin Korn
Registration No. 28,317

DATED: January 10, 1997
3000 Thanksgiving Tower
1601 Elm Street
Dallas, Texas 75201
(214) 999-3000
(214) 999-4664
KAYE/24014ds.jlr

IN001303

FORM 98-3

Sheet -1- of -4-

FORM PTO-1449 (Rev. 2-32)	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTY. DOCKET NO. 117158-1001 (KAYE-24,914)	SERIAL NO. 08/738,317
67369 U.S. PATENT INFORMATION DISCLOSURE STATEMENT BY APPLICANT 01/14/97 (Use several sheets if necessary)		APPLICANT Perry S. Kaye	
		FILING DATE October 25, 1996	GROUP 3304

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
mos	4,108,361	08/1978	Krause	364	412	
	4,268,077	09/1981	Rose et al.	273	138 R	
	4,575,822	03/1986	Pellegrini	364	410	
	4,582,324	04/1988	Koza et al.	273	138 A	
	4,652,988	03/1987	Koza et al.	364	412	
	4,689,742	08/1987	Troy et al.	273	138 A	
	4,760,247	07/1988	Keane et al.	364	412	
	4,764,686	08/1988	Bergeron	273	138	
2	4,832,341	05/1989	Muller et al.	273	138 A	

FOREIGN PATENT DOCUMENTS

DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES NO
WO 91/06931	05/1991	PCT	17	32	
WO 94/03873	02/1994	PCT	15	00	

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

EXAMINER: mos	DATE CONSIDERED: 2/28/97
EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	

IN001304

FORM 98-3

Sheet 2- of 4-

FORM PTO-1449 (Rev. 2-32)	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use several sheets if necessary)	ATTY. DOCKET NO. 117158-1001	SERIAL NO. 08/738,317
		APPLICANT Perry S. Kays	
		FILING DATE October 25, 1996	GROUP 3304

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
MCS	4,882,473	11/1989	Bergeron et al.	235	380	
	4,996,705	02/1991	Entenmann	364	412	
	5,089,453	12/1991	Koza et al.	273	139	
	5,083,272	01/1992	Walker et al.	364	412	
	5,112,050	05/1992	Koza et al.	273	139	
	5,212,368	05/1993	Hara	235	375	
	5,223,698	06/1993	Kapur	364	412	
	5,282,620	02/1994	Keesee	273	138 A	
	5,326,104	07/1994	Pease et al.	273	138 A	

FOREIGN PATENT DOCUMENTS

DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES NO

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages; Etc.)

EXAMINER

DATE CONSIDERED

2/28/97

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

ROR/115

IN001305

FORM 9B-3

Sheet -3- of -4-.

FORM PTO-1449 (Rev. 2-32)	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use several sheets if necessary)	ATTY. DOCKET NO. 117158-1001 (KAYE-24,914)	SERIAL NO. 08/738,317
		APPLICANT Perry S. Kaye	
		FILING DATE October 25, 1996	GROUP 3304

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
mas	5,327,485	07/1994	Leadon	379	95	
	5,330,185	07/1994	Wells	364	412	
	5,331,141	07/1994	Kaneko	235	462	
	5,342,047	08/1994	Heldel et al.	273	138 A	
	5,348,299	09/1994	Clapper, Jr.	273	138 A	
	5,365,575	11/1994	Katz	379	82	
	5,373,440	12/1994	Cohen et al.	364	410	
	5,377,975	01/1995	Clapper, Jr.	273	138 A	
	5,398,932	03/1995	Eberhardt et al.	273	138 A	
	5,407,199	04/1995	Gumina	273	138 R	

FOREIGN PATENT DOCUMENTS

DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES NO

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

EXAMINER

DATE CONSIDERED

2/28/97

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IN001306

FORM 98-3

Sheet 4- of 4-

FORM PTO-1449 (Rev. 2-32)	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use several sheets if necessary)	ATTY. DOCKET NO. 117158-1001 (KAYE-24,914)	SERIAL NO. Q8/738,317
		APPLICANT Perry S. Kaye	
		FILING DATE October 24, 1996	GROUP 3304

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
<i>mas</i>	5,411,258	05/1995	Wilson et al.	384	410	
	5,415,416	05/1995	Seagnell et al.	273	138 A	
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	5,429,361	07/1995	Raven et al.	273	138 A	
	5,569,082	10/1996	Kaye	463	17	

FOREIGN PATENT DOCUMENTS

DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES NO

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

EXAMINER

DATE CONSIDERED

mas 2/28/97

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

R02V105
R02V105

IN001307

KAYE-24,914

Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Perry Kaye
Serial No.: 08/738,317
Filed: October 25, 1996
For: PERSONAL COMPUTER LOTTERY GAME

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

CHANGE OF ADDRESS

Effective immediately, kindly direct all papers pertaining to the above-captioned patent application to the following address:

Martin Korn
Gardere & Wynne, L.L.P.
1601 Elm Street, Suite 3000
Dallas, Texas 75201

and all telephone calls should be directed to Martin Korn at (214) 999-4664.

Respectfully submitted,

GARDERE & WYNNE, L.L.P.
Attorneys for Applicant

By:



Martin Korn
Registration No. 28,317

Date: December 30, 1996

GW04247759

IN001308


PATENT APPLICATION SERIAL NO. 08/738317

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE
FEE RECORD SHEET

200 TD 11/12/96 08738317
1 201 505.00 CK KAYE 24714

PTO-1556
(5/87)

IN001309

BAR CODE LABEL		U.S. PATENT APPLICATION					
							
SERIAL NUMBER	08/738,317	FILING DATE	10/25/96	CLASS	273	GROUP ART UNIT	3304
APPLICANT	PERRY S. KAYE, COOPER CITY, FL.						
	CONTINUING DATA*** VERIFIED THIS APPLN IS A CIP OF 08/418,011 04/06/95 PAT 5,569,082 						
	FOREIGN/PCT APPLICATIONS*** VERIFIED 						
FOREIGN FILING LICENSE GRANTED 12/30/96 ***** SMALL ENTITY *****							
STATE OR COUNTRY	SHEETS DRAWING	TOTAL CLAIMS	INDEPENDENT CLAIMS	FILING FEE RECEIVED	ATTORNEY DOCKET NO.		
FL	16	17	6	\$505.00	KAYE24.914		
ADDRESS	ROSS CLAPP KORN AND MONTGOMERY SUITE 102 14651 DALLAS PARKWAY DALLAS TX 75240-7477						
	TITLE PERSONAL COMPUTER LOTTERY GAME						
This is to certify that annexed hereto is a true copy from the records of the United States Patent and Trademark Office of the application which is identified above. By authority of the COMMISSIONER OF PATENTS AND TRADEMARKS Date _____ Certifying Officer _____							

IN001310



U.S. Department of Commerce Patent and Trademark Office NEW UTILITY PATENT APPLICATION TRANSMITTAL <small>(to be used for new applications only)</small>	Attorney Docket No.	KAYE 24.914
	First Named Inventor	PERRY KAYE
	Total Pages in this Submission	62

08/7388317

APPLICATION ELEMENTS	ACCOMPANYING APPLICATION PARTS
<p>Notice: Checklist items mentioned under Application Elements section constitute a new utility patent application. Please refer to MPEP Sections 608, 609, §7 CFR 1.77, 1.93, 35 USC 111, 112, 113 for detailed explanation regarding completeness of an original patent application.</p> <p>1. <input checked="" type="checkbox"/> Fee Transmittal Form (prescribed filing fee(s))</p> <p>2. Specification</p> <p><input checked="" type="checkbox"/> Abstract of the Disclosure</p> <p><input checked="" type="checkbox"/> Title of the Invention</p> <p><input checked="" type="checkbox"/> Cross References to Related Applications (if applicable)</p> <p><input type="checkbox"/> Statement Regarding Federally-Sponsored Research / Development (if applicable)</p> <p><input type="checkbox"/> Reference to Microfiche Appendix (if applicable)</p> <p><input checked="" type="checkbox"/> Background of the Invention</p> <p><input checked="" type="checkbox"/> Brief Summary of the Invention</p> <p><input checked="" type="checkbox"/> Brief Description of the Drawings (if drawings filed)</p> <p><input checked="" type="checkbox"/> Detailed Description</p> <p><input checked="" type="checkbox"/> Claim or Claims</p> <p>3. <input checked="" type="checkbox"/> Drawing(s) (when necessary as prescribed by 35 USC §113)</p> <p>4. <input checked="" type="checkbox"/> Executed Declaration</p> <p>5. Genoto Sequence Submission (if applicable, all must be included)</p> <p><input type="checkbox"/> Paper Copy</p> <p><input type="checkbox"/> Computer Readable Copy</p> <p><input type="checkbox"/> Statement Verifying Identical Paper and Computer Readable Copy</p>	<p>6. <input type="checkbox"/> Assignment Papers</p> <p>7. <input type="checkbox"/> Certified Copy of Priority Document(s) (if foreign priority is claimed)</p> <p>8. <input type="checkbox"/> Computer Program in Microfiche</p> <p>9. <input type="checkbox"/> English Translation Document (if applicable)</p> <p>10. <input type="checkbox"/> Information Disclosure Statement * / PTO-1449 <input type="checkbox"/> Copies of IDS Citations</p> <p>11. <input type="checkbox"/> Petition Checklist and Accompanying Petition</p> <p>12. <input type="checkbox"/> Preliminary Amendment</p> <p>13. <input type="checkbox"/> Proprietary Information</p> <p>14. <input checked="" type="checkbox"/> Return Receipt Postcard</p> <p>15. <input checked="" type="checkbox"/> Small Entity Statement</p> <p>16. <input type="checkbox"/> Additional Enclosures (please identify below):</p>
SIGNATURE OF APPLICANT, ATTORNEY OR AGENT	
<p>I hereby certify that this paper or fee is being deposited with the US Postal Service "Express Mail Post Office to Addressee" service under §7 CFR §1.10 in an envelope addressed to the Assistant Commissioner for Patents, Washington, DC 20231 on the date indicated below.</p> <p>73880885588 US Express Mail Label No.</p>	
Individual or Firm Name	MARTIN KORN
Signature	<i>Martin Korn</i>
Date	October 25, 1996

FOR OFFICIAL USE ONLY

Application Number		Class		Independent Claims	
Date of Receipt	Application Type	GAU		Total Claims	
	Filing Date	Foreign Filing License?		Drawing Sheets	
	Small Entity	Foreign Address?		Special Handling?	

IN001311

08/738317

00-200 Rev. 02-95 U.S. Department of Commerce Patent and Trademark Office

TRANSMITTAL

Application Number: _____
 Filing Date: _____
 First Named Inventor: P. KAYE
 Group Art Unit: _____
 Examiner's Name: _____
 Attorney Docket No.: KAYE 24,919

TOTAL AMOUNT OF PAYMENT: \$ 505.00

METHOD OF PAYMENT (Check One)

☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to: _____

Deposit Acct. No.: 18-2028

Deposit Acct. Name: Ross, Ciapp, Korn & Montgomery, L.L.P.

☒ Payment Enclosed: _____ (reserved space)
☒ Check
☐ Money Order
☐ Other: _____

☐ Charge any additional fee required under 37 CFR 1.16 and 1.17
☐ Charge the issue fee set in 37 CFR 1.16 at the mailing of the Notice of Allowance, 37 CFR 1.311(b)

FEE CALCULATION

Filing Fee						Additional Fees					
Large Entity		Small Entity		Description	Fee Paid	Large Entity		Small Entity		Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)			Fee Code	Fee (\$)	Fee Code	Fee (\$)		
101	770	201	385	Utility Filing	385	105	130	205	65	Burcharge - Late Filing Fee or Oath	
102	320	206	100	Design Filing		109	130	109	130	Non-English Specification	
107	630	207	265	Plant Filing		147	2,400	147	2,400	Request for Re-Examination	
108	770	208	385	Reissue Filing		112	900	112	900	SIR Publ. Req. - Prior to Examiner's Action	
SubTotal:					385	113	1,700	113	1,700	SIR Publ. Req. - After Examiner's Action	
						115	110	215	65	Request for Extension - 1 Month	
						116	390	216	195	Request for Extension - 2 Month	
						117	930	217	465	Request for Extension - 3 Month	
						118	1,470	218	735	Request for Extension - 4 Month	
						119	300	219	150	Notice of Appeal	
						120	290	220	145	Brief in Support of Appeal	
						121	300	221	130	Request for Oral Hearing	
						136	1,470	136	1,470	Petition - Public Use Proceeding	
						140	110	240	65	Petition to Revive - Unavoidably Abandoned	
						141	1,290	241	645	Petition to Revive - Unintentionally Abandoned	
						142	1,290	242	845	Issue Fee - Utility	
						143	440	243	220	Issue Fee - Design	
						144	650	244	325	Issue Fee - Plant	
						122	130	122	130	Petitions to the Commissioner	
						126	230	126	230	Information Disclosure Statement	
						581	40	581	40	Assignment Recording - Per Property	
						114	150	214	75	Provisional Application	
						Other (specify): _____					
						Other (specify): _____					
						SubTotal: _____					

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EXPRESS MAIL LABEL NO. B880B858805

SUBMITTED BY:

Printed Name: MARTIN KORN

Signature: [Signature] Date: OCTOBER 25, 1996

IN001312

738 317

PERSONAL COMPUTER LOTTERY GAME

ABSTRACT OF THE DISCLOSURE

A method and system for playing a lottery type game includes a gaming piece which includes a predetermined code having data indicating whether the player wins or loses the game, the data being unrecognizable to the player, such that the player does not know the outcome of the game prior to play of the game. The code is stored on the gaming piece in a memory device. The gaming piece is reusable with different codes. The code is read by a processor. The processor presents an amusement game on a display for play by the player, and the player controls game play by inputting game parameters to the processor. The processor controls the outcome of the amusement game played by the player based upon the code. A display provides an indication to the player of a game win or a game loss based upon the code.



AYE-24,914

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PERSONAL COMPUTER LOTTERY GAME

RELATED APPLICATION

The present application is a continuation-in-part application of U.S. Serial No. 08/418,011, filed April 6, 1995, entitled "Personal Computer Lottery Game", and now U.S. Patent No. 5,569,082.

TECHNICAL FIELD OF THE INVENTION

The present invention relates to personal computers, and more particularly to a lottery/casino type game which allows players to purchase gaming pieces including a data storage media to be used for game play.



BACKGROUND OF THE INVENTION

The present invention relates to a method and system for the administrating, operating, and playing of a game in which a player acquires a chance to win and the outcome of that chance is displayed in an interesting, fun, and exciting fashion.

An important application of the invention is in the operating of games of chance in which a person purchases a chance to win and then learns of the outcome in an interesting and fun fashion. Some of these games are usually called lotteries or raffles. The operation and running of these games entails the purchase of a chance to win and then at some point a single and usually quick action displays the outcome of the game.

As an example, the playing of what is called a scratch off lottery is as follows. A player purchases a chance to win in the form of a card having symbols and a covered area that conceals the outcome of the game. In this type of game the odds of winning are controlled by the number and type of cards that are created. The player scratches the coating that covers the concealed area which reveals the game's outcome by the symbols or words that are under the coating. This activity provides the player with just a brief few moments of excitement.

Problems are inherent in the current gaming systems arising from:

- (a) the low level of excitement that is generated from the display of the game's outcome;
- (b) the fact that it takes just a few moments to play the game;
- (c) insufficient player interaction with the game except for boring scratching of the coating;
- (d) excessive space that is required to store the different games necessary to stock all of the available printed game cards;
- (e) tracking and control of the game cards;
- (f) non-challenging simple

games; (g) dirt caused by the scratched coating; (h) the limited number of games because the only variations to the game are the use of different symbols, colors, or placement of the symbols; (i) fraud caused by game card theft and/or tampering; (j) waste caused by the need to print and stock many different game cards to keep players interested; (k) restricting access to minors; and (l) allowing for system wide and regional control and monitoring.

There are many ways in which these problems are overcome by the present invention and there are many new ways to apply this invention to create new and exciting games.

Players want a game that has variety, excitement, a multi-sensory game display, which provides players with options and choices. Game operators want a game that has controllable odds, is simple to run and administer, will increase their sales, help eliminate fraud, and control their inventory.

Bearing these facts in mind it is considered that any improved design of such a game should incorporate the principle of allowing a player to acquire at least one chance to win, in a game of chance, and then provide an exciting and interesting display for the outcome of that chance. The display method would be even more interesting if it were player selectable and if many companies could participate in the creation of the games that display the outcome.

A need has thus arisen for a system for administering and operating a game that overcomes some of the problems associated with known systems.

SUMMARY OF THE INVENTION

In accordance with the present invention, a method and system for playing a lottery type game is provided. The player acquires a gaming piece which includes a predetermined code having data indicating whether the player wins or loses the game, the data being unrecognizable to the player, such that the player does not know the outcome of the game prior to play of the game. The predetermined code is stored on the gaming piece in a memory device. The gaming piece is reusable with different codes. The code is read by a processor. The processor presents an amusement game to the player on a display for play by the player, and the player controls game play by inputting game parameters to the processor. The processor controls the outcome of the game played by the player based upon the predetermined code. A display provides an indication to the player of a game win or a game loss based upon the predetermined code.